

April 1, 2022

CM/ECF

The Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Centre Street, Room 2202  
New York, NY 10007

Re: *In re: Second Wave IBM Arbitration Agreement Litigation*, No. 21-CV-9574-JMF

Dear Judge Furman:

Plaintiffs and Defendant International Business Machines Corporation (“IBM”) jointly submit this letter motion to stay this proceeding. The parties have reached a tentative resolution, and Plaintiffs anticipate filing stipulations of dismissal with prejudice pursuant to Fed. R. Civ. P. 41 in the coming weeks. As such, the parties respectfully request a full stay of the above-captioned proceeding. This proceeding involves a total of 50 consolidated cases, including 48 consolidated on November 24, 2021 (Dkt. No. 5),<sup>1</sup> one case consolidated on December 1, 2021 (Dkt. No. 6), and one case consolidated on January 14, 2022 (Dkt. No. 22). We further request that Your Honor issue no further decisions, including any decisions relating to Defendant’s pending motion to dismiss (Dkt. Nos. 25, 26, 36). The parties agree that a stay will further the interests of judicial economy and efficiency and facilitate the final resolution of this matter. The parties further agree to file either stipulations of dismissal or a status report by April 29, 2022.

For the avoidance of doubt, the parties do not seek a stay of the cases currently before Your Honor in *In re: IBM Arbitration Agreement Litigation*, No. 21-CV-6296-JMF.

If this joint request for a stay meets with Your Honor’s approval, a “So Ordered” line is provided below for the Court’s convenience.

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<sup>1</sup> While the November 24, 2021 consolidation order (Dkt. No. 5) refers to 49 cases, this includes duplicate cases (with identical complaints) for plaintiff Jeffrey Roberts. See *Roberts v. Int’l Bus. Machs. Corp.*, No. 21-cv-9717; see also *Roberts v. Int’l Bus. Machs. Corp.*, No. 21-cv-9719.

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Respectfully submitted,

*s/ Shannon Liss-Riordan*

Shannon Liss-Riordan  
Counsel for Plaintiffs

*s/ Matthew W. Lampe*

Matthew W. Lampe  
Counsel for Defendant

IT IS SO ORDERED.

DATED: \_\_\_\_\_

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Hon. Jesse M. Furman  
United States District Judge